THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 19063 of 2006

Date 18-09-2006

Between:

Srikala House Keeping and Sanitation, Piler, Chittoor District.

..... PETITIONER

AND

The Medical Superintendent (Medical Officer) Community Health Centre, Piler, Chittoor District and others.

.....RESPONDENTS

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.19063 of 2006

O R D E R :

This writ petition is filed aggrieved by the action of the respondents in not awarding the contract for maintenance of sanitation work of the Community Health Centre, Piler to the petitioner.

The second respondent issued a tender notice dated 18-05-2006 inviting tenders for maintenance of sanitation in the wards, toilets and floor area at Community Health Centre, Piler, for a period of one year. The petitioner, who was the existing contractor, also participated. It is alleged that though he had satisfied all the tender conditions, respondents 2 and 3 did not finalise the tenders and, therefore, he got issued legal notice dated 21-06-2005 to the respondents to finalise the tenders and award work to him since he is the only bidder who has satisfied the tender conditions. However, the said request of the petitioner was not considered but on the other hand, the petitioner came to know on 19-08-2006 that one Sri Venkataramana of Sri Veeranjaneya Society, Madanapalle, Chittoor District, was awarded the contract. It is alleged that the said society did not satisfy the eligibility criteria and it was also not the lowest bidder and, therefore, the action of the respondents in awarding the contract in its favour is arbitrary and illegal. Though the petitioner addressed a letter dated 20-08-2006 to furnish a copy of the work order issued in favour of the third party, the same was also not furnished to the petitioner. Hence this

writ petition.

Heard the learned counsel for the petitioner. Though no counter affidavit is filed, the learned standing counsel appearing for respondents 1 and 2, under instructions, stated that bids were opened on 05-06-2006 and that the petitioner had quoted a sum of Rs.23,860/- whereas the lowest bidder quoted Rs.22,088/- . However, the lowest bidder expressed his inability for executing the work. Hence the second lowest bidder, who quoted Rs.23,000/-, was awarded the contract on 03-08-2006. It is also stated that the society in whose favour the work was awarded, satisfied the eligibility criteria and it has been executing the work as on today. A copy of the Bid Comparative Statement dated 05-06-2006 has also been placed before this Court which shows that the offer made by the petitioner was not the lowest as claimed by him.

In the circumstances, I do not find any substance in the allegations made by the petitioner, who is an unsuccessful bidder. That apart, without making the society, who has already been awarded the contract, as a party, the writ petition cannot be maintained.

Accordingly, the writ petition is dismissed. No order as to costs.

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18-09-2006

Note:CC in three days
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